

Message Text

CONFIDENTIAL

PAGE 01 NEW DE 12319 111536Z

44

ACTION NEA-10

INFO OCT-01 EUR-12 EA-07 ISO-00 NEAE-00 CIAE-00 DODE-00

PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01

SP-02 SS-15 USIA-06 AID-05 PC-01 OMB-01 /083 W

----- 061135

P R 111315Z SEP 75

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC PRIORITY 0000

INFO AMEMBASSY ISLAMABAD

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMCONSUL BOMBAY

AMCONSUL CALCUTTA

AMCONSUL HONG KONG

AMCONSUL MADRAS

CINCPAC

C O N F I D E N T I A L NEW DELHI 12319

CINCPAC FOR POLAD

EO 11652: GDS

TAGS: PINT, IN, PINS

SUBJ: AFTER THE COURT DECISION --NV RELAXATION?

SUMMARY: THE TEMPO OF NEW AND MAJOR TOI POLICY DECISIONS
PRONOUNCEMENTS HAS SLOWED OVER THE PAST SEVERAL WEEKS.
IMPLEMENTATION OF THE INITIAL EMERGENCY PROGRAMS CONTINUES,
THUS PRESERVING THE ATMOSPHERE OF MOMENTUM. MRS GANDHI
HOWEVER IS UNLIKELY TO ANNOUNCE ANY MAJOR DECISIONS
PRIOR TO THE SUPREME COURT VERDICT EXPECTED CIRCA SEPTEMBER
25. A RULING IN HER FAVOR IS PROBABLE. IT COULD PRESAGE
A DEGREE OF RELAXATION OF PRESS CONTROLS, THE RELEASE OF
POLITICAL PRISONERS, AND THE SCHEDULING OF "ELECTIONS."
A NEGATIVE RULING MIGHT RENEW THE IMPETUS TOWARD
AUTHORITARIANISM. ON BALANCE, WE VIEW A MAR-
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 NEW DE 12319 111536Z

GINAL RELAXATION OF CONTROLS WITH EMPHASIS ON THE

VISUAL AS THE MORE LIKELY PROSPECT. END SUMMARY.

1. THE TEMPO OF NEW AND MAJOR GOI POLICY DECISION PRO-
NOUNCEMENTS HAS SLOWED OVER THE PAST SEVERAL WEEKS.
IMQEMENTATION OF THE INITIAL EMERGENCY PROGRAMS CONTINUES,
THUS PRESERVING THE ATMOSPHERE OF MOMENTUM. NEW DELHI
AND THE COUNTRY ARE AWAITING THE SUPREME COURT VERDICT.
THE NUMBER TWO MAN ON MRS GANDHI'S LEGAL DEFENSE STAFF
TELLS US IT WILL COME CIRCA SEPTEMBER 25. SIGNIFICANT
GOI INITIATIVES ARE UNLIKELY BEFORE THE COURT'S DECISION
IS KNOWN.

2. WE HAVE REPORTED OUR VIEW THAT THE COMPOSITION OF THE
FIVE MAN BENCH HEARING MRS GANDHI'S CASE AND THE RELA-
TIVELY STRONG POSITION HER LAWYERS ENJOY ON THE CON-
STITUTIONALITY OF THE 39TH AMENDMENT MAKE IT UNLIKELY
THAT THE COURT WILL DECIDE AGAINST THE PRIME MINISTER.
THERE REMAINS, HOWEVER, A POSSIBILITY THAT THE COURT

MAY QUESTION THE AMENDMENT, PARTICULARLY CLAUSE 4, WHICH,
IN EFFECT, EXONERATES THE PRIME MINISTER FROM THE
ALLAHABAD COURT CHARGES. SUCH A DECISION COULD CON-
CEIVABLY REOPEN THE SUPREME COURT'S CONSIDERATION
OF HER APPEAL, ALTHOUGH THE INDIVIDUAL CHARGES WERE
DEFUSED OR ERASED DURING THE LAST SESSION OF PARLIAMENT.
THE PRESENT FIVE MAN BENCH COULD ALSO DECIDE TO CALL A
FULL BENCH OF THE SUPREME COURT TO CONSIDER THE 39TH
AMENDMENT.

3. MRS GANDHI COULD ADOPT ONE OF THREE COURSES AFTZE
THE SUPREME COURT DECISION.

A. RENEWED MOVEMENT TOWARD AUTHORITARIANISM: A
NEGATIVE COURT DECISION AND THE CAEEQUENT ADVERSE POLITI-
CAL AND PSYCHOLOGICAL CONSEQUENCES FOR MRS GANDHI COULD
MOVE HER TOWARD INCREASED AUTHORITARIANISM. SHE COULD
RENEW EXECUTIVE AND LEGISLATIVE ACTION TO MAKE BASIC
CONSTITUTIONAL CHANGES AND FURTHER TIGHTEN PRESS AND
POLITICAL CONTROLS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 NEW DE 12319 111536Z

B. MARGINAL RELAXATION: IF THE SUPREME COURT REFUSES
TO EXONERATE MRS GANDHI COMPLETELY,
OR EVEN IF IT SUP-
PORTS HER AS EXPECTED, THE UPCOMING MONTHS MAY WITNESCOZT
PERIOD OF TEMPORIZATION RATHER THAN INCREASED AUTHORITAR-
IANISM OR SIGNIFICANT RELAXATION. IN EFFECT, A PERIOD
OF INDECISION WOULD ENSUE. SHE HAS MARKED TIME BEFORE
WHEN FACED WITH COMPETING POLITICAL PRESSURES. SHE IS

FACED WITH SUCH PRESSURE ,92. ON ONE HAND THE OUTCOME OF SHEIKH MUJIB'S FLIRTATION WITH AUTHORITARIANISM HAS REPORTEDLY HAD A SOBERING EFFECT ON THE PRIME MINISTER. TO KEEP INDEFINITELY 25,000 PRISONERS INCLUDING TOP OPPOSITION LEADERS BEHIND BARS, TO REINFORCE PRESS AND POLITICAL CONTROLS, AND TO CONSOLIDATE FURTHER HER PERSONAL POSITION COULD STRENGTHEN CLANDESTINE OPPOSITION. IT COULD ALSO STIR MORE ACTIVE RESENTMENT IN THE RANKS OF THE CONGRESS PARTY, THE CIVIL SERVICE, AND POSSIBLY THE MILITARY, AND HEIGHTEN HER ISOLATION. ON THE OTHER HAND, A RELAXATION OF CONTROLS MAY LEAD TO A RESURGENCE OF THE ECONOMIC, ADMINISTRATIVE AND SOCIAL "LAXITY" THAT THE EMERGENCY HAS AT LEAST TEMPORARILY CHECKED. J.P. NARAYAN, AND OTHER OPPOSITION LEADERS MAY REJECT "CONDITIONS" FOR THEIR RELEASE. ANY SUBSTANTIAL LIBERALIZATION WOULD RAISE THE QUESTION OF HOLDING GENERAL ELECTIONS IN FEBRUARY OR MARCH. AFTER GUJARAT, ALLAHABAD AND THE EMERGENCY, THE PRIME MINISTER MAY NOT BE WILLING TO TAKE SUCH A RISK. MRS GANDHI MAY THEREFORE TEMPORIZE ON ANY SIGNIFICANT RELAXATION OF RESTRICTIONS. SHE COULD EXTEND PARLIAMENT FOR A YEAR AND POSTPONE ELECTIONS. WHATEVER RELAXATION DOES TAKE PLACE WOULD EMPHASIZE FORM RATHER THAN SUBSTANCE.

C. SIGNIFICANT RELAXATION: IF MRS GANDHI'S PERSONAL POSITION IS ENHANCED BY A FAVORABLE COURT VERDICT, OR SHE COULD CHOOSE TO TRY A MORE SIGNIFICANT RELAXATION OF CONTROLS. THE BANGLADESH COUP, FOREIGN REACTION TO THE EMERGENCY, AND THE COURSE OF EVENTS IN INDIA MAY HAVE MADE HER NEW AUTHORITARIAN CLOAK A HAIR SHIRT. A COURSE OF SUBSTANTIAL LIBERALIZATION WOULD PROBABLY UNFOLD GRADUALLY. THE PRESS WOULD HAVE MORE LATITUDE TO

CONFIDENTIAL

PAGE 04 NEW DE 12319 111536Z

REPORT ON POLITICAL TOPICS, THE OPPOSITION TO PROPAGATE THEIR PROGRAMS. A LARGE PORTION OF POLITICAL PRISONERS COULD BE RELEASED, INCLUDING TOP OPPOSITION LEADERS. AT THE SAME TIME, POLITICAL AND PRESS CONTROLS, PERHAPS ALONG THE LINES OF THOSE EXERCISED BY BHUTTO IN PAKISTAN, WOULD CONTINUE. MRS GANDHI WILL HAVE ADMINISTERED THE PROPER "LESSON" TO HER POLITICAL OPPONENTS AND THE PRESS. AND EFFECTIVELY DEFINED THE NEW RULES. ATTEMPTS TO GO BEYOND THESE PARAMETERS WOULD INVITE ARREST OR INTIMIDATION. THE ONGOING POLITICAL AND PRESS RESTRICTIONS WOULD APPLY TO THE HOLDING OF "ELECTIONS." THE INTERNAL EMERGENCY MIGHT BUT PROBABLY WOULD NOT BE RESCINDED, SINCE IT OFFERS A STANDING OPPORTUNITY FOR MRS GANDHI TO DRAW ON EXTRAORDINARY POWERS AND INHIBIT THE OPPOSITION.

4. ALTHOUGH A SIGNIFICANT RELAXATION IS A POSSIBILITY,
WE THINK MRS GANDHI IS MORE LIKELY TO PUT IN MOTION A
MARGINAL RELAXATION OF CONTROLS AFTER THE COURT VERDICT.
SAXBE

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: POLITICAL STABILITY, POLITICAL REPRESSION, COURT PROCEEDINGS, POLITICAL SITUATION
Control Number: n/a
Copy: SINGLE
Draft Date: 11 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975NEWDE12319
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750315-0118
From: NEW DELHI
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750962/aaaaccqt.tel
Line Count: 174
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION NEA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 17 JUN 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 JUN 2003 by BoyleJA>; APPROVED <24 OCT 2003 by ElyME>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: AFTER THE COURT DECISION --NV RELAXATION? SUMMARY: THE TEMPO OF NEW AND MAJOR TOI POLICY DECISIN
TAGS: PINT, PINS, IN, (GANDHI, INDIRA)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006